

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

RALPH TRULL,

Plaintiff,

v.

MATTRESS GIANT CORPORATION,

Defendant.

Civil Action No. 05-11306RGS

**JOINT STATEMENT SUBMITTED PURSUANT TO  
FED. R. CIV. P. 26(f) AND LOCAL RULE 16.1**

Pursuant to Fed. R. Civ. P. 26(f), Local Rule 16.1 and this Court's Notice dated July 29, 2005, Plaintiff Ralph Trull and Defendant Mattress Giant Corporation submit this joint statement and proposed pre-trial schedule.

**I. Agenda for Scheduling Conference**

The parties propose that the agenda for the September 26, 2005 initial scheduling conference include discussion of the following:

- a. Settlement; and
- b. The parties proposed joint discovery plan.

As required under Fed. R. Civ. P. 26(f) and Local Rule 16.1(B), counsel conferred on Thursday, September 22, 2005 to establish the proposed agenda and pre-trial schedule.

**II. Joint Discovery Plan**

**a. Initial Disclosures**

In accordance with Local Rule 26.2(a) and this Court's Order, the parties anticipate completing the disclosure of relevant documents and information as required by Fed. R. Civ. P. 26(a)(1) on or before October 10, 2005.

**b. Fact Discovery Deadline**

The parties propose that all fact discovery, including depositions, be completed by April 28, 2006.

**c. Written Discovery Deadline**

The parties propose that written discovery requests to a party be served at any time after the scheduling conference, provided that the party serving such requests has first made the initial disclosures required by Local Rule 26.2(A).

**d. Depositions**

The parties propose that they may notice and take depositions at any time after the scheduling conference, provided that the party has first made initial disclosures required by Local Rule 26.2(A). The parties also propose that the parties be limited to a total of ten depositions per side in accordance with Local Rule 26.1(C).

**e. Expert Disclosure and Discovery**

The parties propose that Plaintiff must designate expert witnesses, if any, and produce expert reports by May 31, 2006, Defendant must designate expert witnesses, if any, and produce expert reports by June 30, 2006, and the depositions of expert witnesses must be completed by July 31, 2006.

**III. Filing of Motions**

The parties propose that all amendments to pleadings and joinder of additional parties shall be served no later than February 1, 2006.

The parties propose that any motions under Fed. R. Civ. P. 56 must be filed on or before August 31, 2006, and opposition papers to such motions shall be filed no later than September 29, 2006. Reply memoranda, if any, shall be filed by October 16, 2006.

**IV. Proposed Conferences with Court and Final Pre-Trial Conference**

The parties agree to the scheduling of a final pre-trial conference within forty-five (45) days of receipt of a decision of any pending dispositive motions, if dispositive motions are filed. Otherwise, the parties propose that the final pre-trial conference be scheduled in September 2006.

**V. Trial by Magistrate Judge**

The parties do not consent to trial by Magistrate Judge at this time.

**VI. Compliance with Local Rule 16(D)(3)**

Plaintiff's Local Rule 16.1(D)(3) certification will be filed prior to the scheduling conference. Defendant's Local Rule 16.1(D)(3) certification will be filed prior to the scheduling conference.

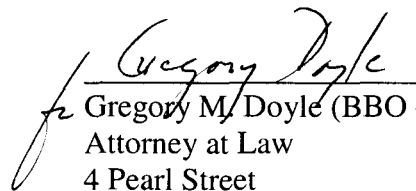
Respectfully submitted,


RALPH TRULL,

By his attorney,

MATTRESS GIANT CORPORATION,

By its attorneys,  
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Dated: September 22, 2005

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